REMARKS

In the Office Action mailed February 3, 2009, claims 22-24 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth in numbered paragraph 3 of the Office Action, and claims 23-24 were rejected for their dependency upon rejected claim 22. By the foregoing proposed amendments to the claims, the Examiner will please note that these grounds for rejection of the claims under 35 U.S.C. §112, second paragraph, have been obviated by the proposed amendments. Also, claims 13-16 and 18-21 were rejected under 35 U.S.C. §103(a) as being unpatenable over Champeau in view of Tu et al. and Eggers et al. For the reasons that follow, Applicants traverse these prior art grounds for rejecting the claims of the present application, as amended.

The Examiner has indicated that the functional limitations "adapted to function in bipolar mode" and "adapted to function in monopolar mode" fail to structurally distinguish the claims over the prior art (namely Champeau) since the prior art would be capable of performing these intended uses. The amendments to claim 13 and 19 should now clearly distinguish the invention over these prior art references, since the amendments specify in definite terms the functions of the respective electrodes, such functions not being disclosed or suggested in Champeau.

The Examiner has also rejected claim 13 based on the combination of Champeau, Tu, and Eggers, even though both Tu and Champeau fail to disclose a sharp tip on a catheter, on the ground that it would be obvious to one of ordinary skill to implement a sharp tip as disclosed in Eggers on the catheter according to Tu or Champeau.

This reasoning is, in the Applicants' opinion, based on impermissible hindsight reasoning and is otherwise incorrect because the device of Eggers teaches in a direction opposite to that of Champeau and Tu. The devices in Champeau and Tu disclose catheter systems with steerable

(i.e., flexible) catheters that are designed to be inserted into body cavities (arteries, veins, heart chambers) (see, for examples, column 2 lines 20-35 of Tu and its Abstract; and column 1 lines 30-34; column 2 lines 62-65; column 6 lines 13-15 of Champeau). In the application of the catheters of these references, a surgical hole is first prepared in order to introduce the catheter percutaneously, however, guidance of the flexible steerable tip to the ablation site through body cavities would not be possible with a pointed piercing tip, for if the tip were a pointed piercing tip, there would be the ever-present danger of inadvertently piercing through the vein, artery or other body cavity wall.

Therefore, the Examiner's provision of a pointed tip on the devices of Champeau and Tu goes against the teachings of these patents. As a consequence, there would be no motivation to one of ordinary skill to modify Champeau or Tu with the teachings of Eggers.

Moreover, as previously argued, taking into account the amendment to claims 13 and 19, none of the cited prior art teaches a structure with electrodes at either end of the catheter functioning in monopolar mode, and a pair of bipolar electrodes between the monopolar electrodes functioning in bipolar mode. In Champeau, it is merely disclosed that the electrodes may function either by bipolar or monopolar mode, but there is no teaching or suggestion of there being at least two end monopolar electrodes on either side of a pair of bipolar electrodes.

In view of the foregoing, claim 13 and claim 19, as amended, and claims 14-18, 20-21 that dependent thereon, should all be allowable over the prior art of record.

The allowability of claims 22-24, subject to the required clarification, is thankfully acknowledged. The amendments to claims 22 are believed to follow the Examiner's directions for allowability of these claims.

Further concerning claim 19, the Examiner asserts that Champeau discloses a plurality of supply channels that are capable of perfusing saline solutions around the electrodes in an individually controllable manner. The selective injection of saline is, however, not the same as an independent saline supply as set forth in claim 15, and independently controlled pumps as set forth in claim 19. The selective distribution of saline solution mentioned in Champeau is presumed to be achieved through the control of valves. However, there is no disclosure of independent saline solutions and two independent pumps in Champeau and no discussion in Champeau of the specific advantages that such different saline solutions and pumps would confer. The Examiner has not identified any teaching in Champeau, or in any other cited prior art, of the provision specifically of two independently controlled pumps for supplying saline solutions to separate supply channels of each bipolar electrode. Thus, in addition to the differences discussed above in relation to claim 13, the further feature in claim 19 of independently controlled saline pumps is not disclosed in the prior art of record.

For all these foregoing reasons, Applicants respectfully request entry of the foregoing amendments to the claims, reconsideration of the present application in light thereof, and in light of the foregoing remarks, and issuance of a notice of allowance for all pending claims 13-24, as amended, over all the prior art of record.

Respectfully submitted,

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